

Town of Frederick Board of Trustees



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AM 2010-103

To Consider a Zoning Amendment for the Downtown Area and Select Surrounding Properties

Agenda Date: October 12, 2010

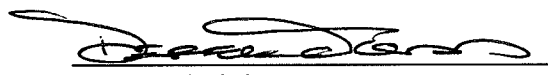
Attachments:

- a. Proposed Downtown Zoning
- b. Select surrounding properties
- c. PCR-2010-10A Approval of Article 15, Downtown Regulations
- d. Draft Planning Commission minutes
- e. Resolution
- f. Ordinance

Fiscal Note: None noted or provided Fiscal note


Administrative Services Director

Submitted by: Jennifer Simmons 
Planning Director

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector x Laptop

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The Town of Frederick has initiated zoning amendments to implement the Downtown Development Plan recommendations.

Detail of Issue/Request:

Location and Zoning: The property involved in the zoning amendments is south of Majestic Street, north of Highway 52, and both east and west of Colorado Boulevard. Current zonings include

Downtown Commercial, Neighborhood Commercial, Residential Low Density, Residential Medium Density, and Public. Surrounding land uses and zoning vary.

Discussion: As a result of the Downtown Development Plan, recommendations were made to adopt regulations specific to the Downtown area that would apply to the areas zoned Downtown-A or Downtown-B. In order for the regulations to take effect, the areas identified in the Downtown Development Plan must be rezoned to either Downtown-A or Downtown-B (see attached Downtown Zoning Amendment Map).

Subsequently, the old zoning designation of Downtown Commercial District will be eliminated and any property with this designation will require rezoning. There are four areas outside the original downtown that have agreed to have their zoning changed from Downtown Commercial to Community Commercial: (1) the property at the southwest corner of Majestic Street and Colorado Boulevard; (2) the property at the northeast corner of 1st Street and Johnson Street; (3) the property at the southwest corner of Colorado Boulevard and 5th Street; and (4) the property at the southeast corner of Main Street and 9th Street (please see attached Downtown Vicinity Zoning map).

As a result of these subsequent changes, adjacent zonings were also looked at and there were two areas where we spoke with property owners about zoning amendments as well. The first area is adjacent to Colorado Boulevard, from Tipple Parkway on the south to Hurt Street on the north. The area encompasses the Tops Business Park and Halleck Subdivision and is currently zoned Neighborhood Commercial. This area is proposed to be zoned Community Commercial. The second area is just east of Frederick Way on the Carriage Hills Filing 2 property. This area is zoned neighborhood commercial and will remain neighborhood commercial.

Review Criteria: The review criteria for a zoning amendment are stated in Section 4.7.2. Those criteria are as follows:

- a. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:
 - (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
 - (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
 - (3) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan;
 - (4) The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan;
 - (5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
 - (6) A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

The requested zoning amendments are the result of changed or changing conditions that are in the public's interest to encourage development and redevelopment of the area.

Public Notice: This project was properly noticed according to the requirements of Section 4.5.8 of the Frederick Land Use Code.

Planning Commission:

The Planning Commission reviewed the proposed zoning amendments at the regular meeting held September 21, 2010. The Commission passed PCR-2010-10A with a vote of 4 to 1. The Commissioner voting against the proposal voiced support of the downtown zoning and all the surrounding zoning amendments with the exception of commercial zoning on the Evezich property.

Legal/Political Considerations:

The proposed amendments have been reviewed by legal staff.

Alternatives/Options:

The Board of Trustees may:

- Approve the Zoning Amendments as proposed.
- Deny the Zoning Amendments as proposed.
- Approve the Zoning Amendments with conditions.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends approval of the Zoning Amendments.